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10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 STATE OF WASHINGTON, *et al.*,

13 Plaintiffs,

14 v.

15 U.S. FOOD AND DRUG
16 ADMINISTRATION, *et al.*,

17 Defendants.

No. 1:23-cv-03026

REPLY IN SUPPORT OF MOTION
TO EXPEDITE

18 In their Opposition to Defendants' Motion to Expedite, Plaintiffs argue that
19 Defendants have failed to demonstrate good cause to expedite their Motion for
20 Clarification. *See* ECF No. 84. But as Defendants explained, consideration of
21 Defendants' Motion for Clarification must be expedited because another court
22 order that would stay the approval of mifepristone without any additional action by
23 FDA, *see Alliance for Hippocratic Medicine, et al. v. FDA, et al.*, 2:22-cv-00223-

1 Z, Dkt. 137 (Apr. 7, 2023), will go into effect at 12:00 AM CT on April 15, 2023,
2 unless emergency relief is granted. *See* ECF Nos. 81 & 82. Such relief has not been
3 granted at this time. Defendants seek to understand how their obligations under this
4 Court's order interact with the effect of the *Alliance* order, and it is not
5 "premature," ECF No. 84, at 3, for them to seek this clarification *before* the
6 *Alliance* order goes into effect.
7

8 Nor is there any reason that Plaintiffs cannot respond to the Motion for
9 Clarification by Thursday, April 13, 2023. Indeed, the third paragraph of Plaintiffs'
10 Opposition to the Motion to Expedite *is*, in effect, their response to Defendants'
11 Motion for Clarification.
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13 Because good cause exists to expedite consideration of their Motion for
14 Clarification, Defendants respectfully ask that this Court decide that Motion by
15 April 14, 2023.
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1 April 11, 2023

HILARY K. PERKINS
Assistant Director

2
3 /s/ Noah T. Katzen
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on April 11, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Noah T. Katzen
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